

# Notice of Allowability

Application No.

10/510,469

Examiner

JASON M. NOLAN

Applicant(s)

BARRETT ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/2007.
2. ☒ The allowed claim(s) is/are 1-44, 49 and 50 (now 1-46).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 12/19/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is responsive to Applicants Amendment – After Non-Final Rejection, filed **12/19/2007**. **Claims 1-46, 49, & 50** are pending in the instant application; of which, **Claims 1, 2, 43-46, 49, & 50** are currently amended. **Claims 47 & 48** are canceled.

#### ***Information Disclosure Statement***

Applicants' information disclosure statement (IDS), filed on 12/19/2007 has been considered. Please refer to Applicants' copy of the 1449 submitted herein.

#### ***Response to Amendment***

Applicant's amendments with respect to **Claims 1, 2, 43-46, 49, & 50** have been fully considered and are entered. The 112-enablement rejection of **Claims 1, 2, 43-46, 49 & 50** is withdrawn per amendment. The objections to **Claims 1 & 2-42** are withdrawn per amendment.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kathryn Coulter on 02/21/2008.

The application has been amended as follows:

1. The **specification** has been amended: Page 158 was a blank page and has been deleted. Pages 159-161 have been renumbered 158, 159, & 160.
2. Delete/Cancel **Claims 45 & 46**. These claims are canceled without prejudice; therefore Applicants retain the right to file divisional or continuation applications on the contents thereof.

#### ***Statement of Reasons for Allowance***

The present invention pertains to the compounds according to Formula I in **Claim 1** and methods of using these compounds for the treatment of osteoporosis. The compounds according to formula I are free of the prior art; nothing known in the art anticipates or renders the compounds of the instant application obvious. The closest prior art related to the formula I are the compounds taught by Kaisha *et al.* (EP 1008592, see IDS). The instant compounds are distinct from the prior art because of the core variables **A & D**. One skilled in the art would be enabled to make and use the compounds taught herein for the purpose of treating osteoporosis using the teachings of the Specification (biological data on pages 154-161) in conjunction with the teachings in the prior art.

***Conclusion***

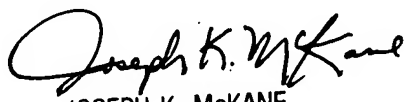
**Claims 1-44, 49, & 50** are allowed and are now renumbered as **Claims 1-46**.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jason M. Nolan, Ph.D.** whose telephone number is **(571) 272-4356** and electronic mail is **Jason.Nolan@uspto.gov**. The examiner can normally be reached on Mon - Fri (9:00 - 5:30PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph M<sup>c</sup>Kane** can be reached on **(571) 272-0699**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jason M. Nolan, Ph.D./

Examiner, Art Unit 1626

  
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